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Promotion and protection of the rights of children

Andorra, Armenia, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Malaysia, Monaco, Mongolia, Namibia, Netherlands, Nigeria, Norway, Pakistan, Peru,* Philippines, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela:
draft resolution

The rights of the child

The General Assembly,

Recalling its resolutions 53/128 and 53/127 of 9 December 1998 and Commission on Human Rights resolution 1999/80 of 28 April 1999,

Bearing in mind the Convention on the Rights of the Child,[1] emphasizing that the provisions of the Convention and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirming that the best interest of the child shall be the primary consideration in all actions concerning children,

Reaffirming the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children held in New York on 29 and 30 September 1990,[2] notably the solemn commitment to give high priority to the rights of children, to their survival and to their protection and

* On behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States.

[1] Resolution 44/25, annex.

[2] A/45/625, annex.

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development, and reaffirming also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[3] which, *inter alia*, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography, and which reaffirms that all human rights and fundamental freedoms are universal,

Profoundly concerned that the situation of girls and boys in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Underlining the need for mainstreaming a gender perspective into all policies and programmes relating to children,

Recognizing the need for the realization of a standard of living adequate for the child's physical, mental, spiritual, moral and social development, as well as the provision of universal and equal access to primary education,

Recognizing also that partnership between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations, is important to realizing the rights of the child,

Emphasizing the importance of the tenth anniversary of the Convention on the Rights of the Child for mobilizing and taking further action towards the full realization of the rights of the child,

Welcoming the preparations for the special session of the General Assembly on the follow-up to the World Summit for Children in 2001,

I
Implementation of the Convention on the Rights of the Child

1. *Once again urges* the States that have not yet done so to sign and ratify or accede to the Convention on the Rights of the Child[1] as a matter of priority, with a view to reaching the goal of universal adherence by the tenth anniversaries, in 2000, of both the World Summit for Children[2] and the entry into force of the Convention;

2. *Reiterates its concern* at the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to regularly review any reservations with a view to withdrawing them;

3. *Calls upon* States parties to implement fully the Convention, and stresses that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children;

4. *Urges* States to involve children and youth in their efforts to implement the goals of the World Summit for Children and the Convention on the Rights of the Child;

5. *Calls upon* States parties to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the

[3] A/CONF.157/24 (Part I), chap. III.

Convention, in accordance with the guidelines elaborated by the Committee, and encourages States parties to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention;

6. *Also calls upon* States parties to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

7. *Requests* the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, and takes note of the temporary support given by the plan of action of the United Nations High Commissioner for Human Rights to strengthen the important role of the Committee in advancing the implementation of the Convention on the Rights of the Child, and to make available information on the follow-up to the plan of action;

8. *Calls upon* States parties to the Convention to urgently take appropriate measures so that acceptance of the amendment to paragraph 2 of article 43 of the Convention by a two-thirds majority of States parties can be reached as soon as possible, in order for the amendment to enter into force, increasing the membership of the Committee from ten to eighteen experts;

9. *Invites* the Committee on the Rights of the Child to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning;

10. *Welcomes* the attention given by the Committee to the realization of the highest attainable standards of health and access to health care, and to the rights of children affected by human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and urges Governments, in cooperation with relevant United Nations bodies and organizations, to adopt all appropriate measures with a view to the realization of all their rights;

11. *Calls upon* States to protect all human rights of migrant children, in particular unaccompanied migrant children, and to ensure that the best interest of the child shall accordingly be a primary consideration, and encourages the Committee on the Rights of the Child, the United Nations Children's Fund as well as other relevant United Nations bodies, within their respective mandates, to pay particular attention to the conditions of migrant children in all States, and as appropriate, to make recommendations to strengthen their protection;

12. *Recommends* that, within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child, and encourages the further development of the rights-based approach adopted by the United Nations Children's Fund and further steps to increase system-wide coordination and inter-agency cooperation for the promotion and protection of the rights of the child;

13. *Encourages* the Committee, in monitoring the implementation of the Convention, to continue to pay attention to the needs of children in especially difficult circumstances;

14. *Encourages* Governments, relevant United Nations bodies as well as relevant non-governmental organizations and child rights advocates to contribute to, as appropriate, to the web-based database launched by the United Nations Children's Fund, in order to continue to provide information on laws, structures, policies and processes adopted at the national level to translate the Convention on the Rights of the Child into practice;

II

Prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography

1. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography,[4] and expresses its support for her work;

2. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance to enable her to discharge her mandate fully;

3. *Invites* further voluntary contributions through the Office of the United Nations High Commissioner for Human Rights and support to be provided for the work of the Special Rapporteur for the effective fulfilment of her mandate;

4. *Strongly supports* the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, and urges the working group to finalize its work before the tenth anniversary of the entry into force of the Convention on the Rights of the Child in 2000;

5. *Reaffirms* the obligation of States parties to prevent the abduction of, sale of or trafficking in children for any purpose or in any form and to protect the child from all forms of sexual exploitation or abuse, in accordance with articles 35 and 34 of the Convention on the Rights of the Child;

6. *Calls upon* States to criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, including child sex tourism, while ensuring that the children victims of such practices are not penalized, and to take effective measures to ensure the prosecution of offenders, whether local or foreign, by the competent national authorities, either in the offender's country of origin or in the country of destination, in accordance with due process of law;

7. *Also calls upon* States, in cases of child sex tourism, to enhance international cooperation among all relevant authorities, in particular law enforcement authorities, including sharing relevant data, in order to eradicate this practice;

8. *Requests* States to increase cooperation and concerted action, at the national, regional and international levels, including in the context of the United Nations, by all relevant authorities and institutions, in order to adopt and implement effective measures for the prevention and eradication of the sale of children and of their sexual exploitation and abuse and to prevent and dismantle networks trafficking in children;

9. *Stresses* the need to combat the existence of a market that encourages such criminal practices against children, including through preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children;

10. *Also calls upon* States to enact and enforce, review and revise, as appropriate, laws, and implement policies, programmes and practices to protect children from and to eliminate all forms of sexual exploitation and abuse, including commercial sexual exploitation, taking into account the particular problems posed by the use of the Internet in this regard;

[4] A/54/411.

11. *Encourages* Governments to facilitate the active participation of child victims of sexual exploitation or abuse in the development and implementation of strategies to protect children from sexual exploitation and abuse;

12. *Encourages* continued regional and interregional efforts, with the objective of identifying best practices and issues requiring particularly urgent action, to follow up the implementation of the measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children held at Stockholm, from 27 to 31 August 1996;[5]

13. *Invites* States and relevant United Nations bodies and agencies to allocate appropriate resources for rehabilitation of child victims of sexual exploitation and abuse and to take all appropriate measures to promote their full recovery and social reintegration;

III

Protection of children affected by armed conflict

1. *Welcomes* the report of the Special Representative of the Secretary-General on the impact of armed conflict on children;[6]

2. *Expresses its support* for the work of the Special Representative of the Secretary-General, in particular in raising worldwide awareness and mobilizing official and public opinion for the protection of children affected by armed conflict, in order to promote respect for children's rights and needs in conflict and post-conflict situations, and recommends that the Secretary-General extend his mandate, as established in paragraphs 35, 36 and 37 of General Assembly resolution 51/77 of 12 December 1996, for a further period of three years;

3. *Urges* the Secretary-General and all relevant parts of the United Nations system, including the Special Representative and the United Nations Children's Fund, to intensify their efforts to develop a concerted approach to the rights, protection and welfare of children affected by armed conflict, including, as appropriate, in the preparations of the field visits of the Special Representative and in the follow-up to such visits;

4. *Calls upon* all States and other parties concerned to continue to cooperate with the Special Representative, to implement the commitments they have undertaken and to consider carefully all the recommendations of the Special Representative and address the issues identified;

5. *Welcomes* the continued support and voluntary contributions that are being provided to the work of the Special Representative;

6. *Urges* all States and other parties to armed conflict to respect international humanitarian law, to put an end to any form of targeting of children and to attacking sites that usually have a significant presence of children, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949[7] and the additional protocols thereto of 1977,[8] and calls upon all parties to armed conflict to take all measures required to protect children from acts constituting violations of international humanitarian law, including prosecution by States, within their national legal framework, of those responsible for such violations;

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[5] A/51/385, annex.

[6] A/54/430.

[7] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[8] Ibid., vol. 1125, Nos. 17512 and 17513.

7. *Recognizes*, in this regard, the contribution of the establishment of the International Criminal Court to ending impunity for perpetrators of certain crimes committed against children, as defined in the Rome Statute of the International Criminal Court,[9] which include, *inter alia*, those involving sexual violence or child soldiers, and thus to the prevention of such crimes;

8. *Condemns* the abduction of children in situations of armed conflict and into armed conflicts, and urges States, international organizations and other concerned parties to take all appropriate measures to secure the unconditional release of all abducted children, and urges States to bring the perpetrators to justice;

9. *Notes* the importance of the second open debate, held in the Security Council on 25 August 1999, on children and armed conflict and the undertaking by the Council to give special attention to the protection, welfare and rights of children when taking action aimed at maintaining peace and security, and reaffirms the essential role of the General Assembly and the Economic and Social Council for the promotion and protection of rights and welfare of children;

10. *Calls upon* all parties to armed conflicts to ensure the full, safe and unhindered access of humanitarian personnel and the delivery of humanitarian assistance to all children affected by armed conflict;

11. *Welcomes* the decision by the Economic and Social Council to call for systematic, concerted and comprehensive inter-agency efforts on behalf of children as well as adequate and sustainable resource allocation to provide both the immediate emergency assistance and long-term measures to children throughout all phases of an emergency;

12. *Urges* States and all other parties to armed conflict to end the use of children as soldiers and to ensure their demobilization and effective disarmament, and to implement effective measures for the rehabilitation, physical and psychological recovery and reintegration into society of all child victims in cases of armed conflict, and invites the international community to assist in this endeavour and emphasizes that no support which enables or contributes to the use of child soldiers should be given to those who use child soldiers;

13. *Calls upon* States and relevant United Nations bodies to continue to support national and international mine action efforts, including by financial contributions, mine awareness programmes, victim assistance and child centred rehabilitation, and welcomes also the positive effects on children of concrete legislative measures with respect to anti-personnel mines;

14. *Notes with concern* the impact of small arms and light weapons on children in situations of armed conflict, in particular as a result of their illicit production and traffic, and calls upon States to address this problem;

15. *Recommends* that whenever sanctions are imposed their impact on children be assessed and monitored and that humanitarian exemptions be child-focused and formulated with clear guidelines for their application;

16. *Calls upon* States, relevant United Nations bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations, including training programmes and emergency relief operations, country programmes and field operations aimed at promoting peace, preventing and resolving conflicts as well as negotiating and implementing peace agreements, and, given the long-

[9] See A/CONF.183/9, art. 8.

term consequences for society, underlines the importance of including specific provisions for children, including resourcing, in peace agreements and in arrangements negotiated by parties;

17. *Welcomes* the ongoing efforts by, *inter alia*, regional organizations, intergovernmental organizations and non-governmental organizations, to bring to an end the use of children as soldiers in armed conflicts, and reaffirms the urgent need to raise the current minimum age-limit set by article 38 of the Convention on the Rights of the Child on the recruitment and participation of any person in armed conflicts with the aim to end the use of child soldiers;

18. *Strongly supports* the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict, and the consultations conducted by the chairperson of the working group in order to make further progress with the aim of finalizing its work before the tenth anniversary of the entry into force of the Convention on the Rights of the Child;

IV
Refugee and internally displaced children

1. *Urges* Governments to improve the implementation of policies and programmes for the protection, care and well-being of refugee and internally displaced children, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the representative of the Secretary-General on internally displaced persons, in accordance with the obligations under the Convention on the Rights of the Child;

2. *Calls upon* all States and other parties to armed conflicts, as well as United Nations bodies and organizations, to give urgent attention, in terms of protection and assistance, to the fact that refugee and internally displaced children are particularly exposed to risks in connection with armed conflicts, such as being forcibly recruited or subjected to sexual violence, abuse or exploitation;

3. *Expresses its deep concern* about the growing number of unaccompanied refugee and internally displaced children, and calls upon all States and United Nations bodies and agencies and other relevant organizations to give priority to programmes for family tracing and reunification and to continue to monitor the care arrangements for unaccompanied refugee and internally displaced children;

V
Progressive elimination of child labour

1. *Reaffirms* the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

2. *Welcomes* the adoption by the International Labour Organization, at the eighty-seventh session of the International Labour Conference, held at Geneva from 1 to 17 June 1999, of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention No. 182, and encourages all States to consider ratifying it as a matter of priority with a view to its entry into force as soon as possible;

3. *Calls upon* all States that have not yet done so to consider ratifying the conventions of the International Labour Organization relating to child labour, in particular the Convention concerning Forced or Compulsory Labour, 1930, Convention No. 29, and the Convention concerning Minimum Age for Admission to Employment, 1973, Convention No. 138, and to implement those Conventions;

4. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour contrary to accepted international standards, and urges them, *inter alia*, to immediately eliminate the worst forms of child labour as set out in the new International Labour Organization Convention No. 182;

5. *Also calls upon* all States to systematically assess and examine the magnitude, nature and causes of child labour and to elaborate and implement strategies for the elimination of child labour contrary to accepted international standards, giving special attention to specific dangers faced by girls, as well as to the rehabilitation and social reintegration of the children concerned;

6. *Recognizes* that primary education is one of the main instruments for reintegrating child workers, and calls upon all States to recognize the right to education by making primary education compulsory and to ensure that all children have access to free primary education as a key strategy to prevent child labour, and recognizes, in particular, the important role of the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund in this regard;

7. *Calls upon* all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in preventing or combating violations of the rights of the child and in attaining the objective of the elimination of child labour contrary to accepted international standards;

8. *Calls upon* all States to strengthen cooperation and coordination at the national and the international level to address effectively the problem of child labour, also in close cooperation, *inter alia*, with the International Labour Organization and the United Nations Children's Fund;

VI
The plight of children working and/or living on the streets

1. *Calls upon* Governments to seek comprehensive solutions to the problems causing children to work and/or live on the streets, and to implement appropriate programmes and policies for the protection and the rehabilitation and reintegration of these children, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect;

2. *Calls upon* all States to ensure that services are provided for children to divert them from, and address the economic imperatives for, involvement in harmful, exploitative and abusive activity;

3. *Strongly urges* all Governments to guarantee the respect for all human rights and fundamental freedoms, in particular the right to life, to take urgent and effective measures to prevent the killing of children living and/or working on the streets, to combat torture and abusive treatment and violence against them and to bring the perpetrators to justice;

4. *Calls upon* the international community to support, through effective international cooperation, including technical advice and assistance, the efforts of States to improve the situation of children working and/or living on the streets;

VII

Children with disabilities

1. *Welcomes* the establishment of a working group, following the decision by the Committee on the Rights of the Child, with the aim of elaborating a plan of action on children with disabilities, in close cooperation with the Special Rapporteur on Disability of the Commission for Social Development and other relevant parts of the United Nations system;

2. *Calls upon* all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and to develop and enforce legislation against their discrimination;

3. *Also calls upon* all States to promote for children with disabilities a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community, including effective access to education and health services;

VIII

Decides:

(a) To request the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-fifth session containing information on the status of the Convention on the Rights of the Child and the problems addressed in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to submit to the General Assembly and the Commission on Human Rights reports containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies;

(c) To continue its consideration of this question at its fifty-fifth session under the item entitled "Promotion and protection of the rights of the child".